

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:05CR88

CAROLS ROVERTO SEGURA-ARTIA

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to illegal reentry by an alien after deportation for an aggravated criminal offense, in violation of 18 U.S.C. 1326(a).

Defendant was represented by appointed counsel, Walter B. Dalton, Esquire. On March 16, 2004, defendant appeared before the Court for the purpose of entering his guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant's native language is Spanish, and he speaks no English. At the beginning of the hearing, an interpreter was sworn. Thereafter, defendant spoke with the Court and counsel through the interpreter. Defendant appeared very comfortable with the translator and no problems were perceived.

Defendant answered all questions put to him in clear and concise language. On those occasions when he had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly

understood the seriousness of his position. At the close of the proceeding, defendant was remanded back to custody, pending completion of the presentence report.

Defendant is twenty-four years of age and attended school in Honduras through the sixth grade. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea without a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b) (1) (B).

Norfolk, Virginia

/s/
James E. Bradberry
United States Magistrate Judge

March 17, 2006

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of the following:

Walter B. Dalton, Esquire
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Norfolk, VA 23510

Eric M. Hunt, Esquire
Assistant United States Attorney
Fountain Plaza Three
721 Lakefront Commons, Ste. 300
Newport News, VA 23606

Elizabeth H. Paret, Clerk

By _____
Deputy Clerk

_____, 2006